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FUND AND THE CLASS

International Union of Operating
Engineers, Local No. 68 Welfare Fund
(an unincorporated trust)

Plaintiff,

v.

AstraZeneca PLC; et al.

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: MONMOUTH COUNTY

CIVIL ACTION NO. MON-L-3136-06

**ORDER DISMISSING WITHOUT
PREJUDICE CONFLICTING CLASS
CLAIMS AS TO DEFENDANTS
OVERLAPPING MDL 1456**

THIS MATTER having been opened to the Court by The Haviland Law Firm and Keefe Bartels, Counsel for Plaintiff and the Class, on Plaintiff's Motion to dismiss without prejudice conflicting class claims as to defendants overlapping MDL 1456, and having considered all papers submitted by the parties, along with oral argument, if any, and for good cause shown;

On this ____ day of **October 2007**

ORDERED that Plaintiff's motion to dismiss without prejudice conflicting class claims as to defendants overlapping MDL 1456 is granted;

IT IS FURTHER ORDERED that all of pending class claims against Overlapping Defendants that are subsumed within an existing class certified by the MDL Court or subsumed within a pending motion for class certification in MDL 1456 are dismissed without prejudice. Overlapping Defendants include only the following defendants:

Abbott Laboratories, Amgen Inc., Zeneca, Inc., AstraZeneca Pharmaceuticals L.P., Aventis Pharmaceuticals, Inc., Hoechst Marion Roussel, Inc., Aventis Behring L.L.C., Baxter International Inc., Baxter Healthcare Corporation, Bayer Corporation, Bristol-Myers Squibb Co., Oncology Therapeutics Network Corp., Apoteco, Inc., Dey, Inc., Fujisawa Healthcare, Inc., Fujisawa USA, Inc., Immunex Corporation, Johnson & Johnson, Centocor, Inc., Ortho Biotech, Pharmacia Corporation, Pharmacia & Upjohn, Inc., Schering-Plough Corporation, Warrick Pharmaceuticals Corporation, Sico, Inc., Gensia Sico Pharmaceuticals, Inc., and Watson Pharmaceuticals, Inc.

IT IS FURTHER ORDERED that Plaintiff may reinstate any class claims dismissed without prejudice pursuant to this Stipulation in the event the MDL Court either decertifies all or part of a class of claims that were certified against an Overlapping Defendant, or affords final classwide relief which does not resolve fully Local 68's claims as originally pled.

IT IS FURTHER ORDERED that any and all applicable statutes of limitations and/or repose shall be tolled for the time period between dismissal and such reinstatement of such class claims, and the reinstatement of any class claim dismissed hereby will not trigger a right of removal to federal court by any Defendant.

IT IS FURTHER ORDERED that a copy of this Order shall be served upon all counsel within seven days of receipt from the Court.

Honorable Louis F. Locascio, J.S.C.